

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

JUVONDA WHITNEY,

Plaintiff,

vs.

LANE BRYANT, INC.,

Defendant.

Case No. 05-137CVW-ODS

**DEFENDANT LANE BRYANT, INC.'S MOTION
TO DISMISS PLAINTIFF'S PETITION**

Defendant Lane Bryant, Inc. ("Lane Bryant"), by its attorneys, hereby moves this Court for an order dismissing Plaintiff's Petition. In support of its Motion to Dismiss, Defendant avers as follows:

1. Plaintiff's race discrimination and retaliation claims (Counts I and II) based upon the Missouri Human Rights Act should be dismissed because they are untimely.
2. Plaintiff's claim for wrongful discharge in violation of public policy (Count III) should be dismissed because the allegations set forth in Plaintiff's Petition are insufficient to state a claim of wrongful discharge in violation of public policy under Missouri law.

WHEREFORE, for the reasons stated above and for the reasons stated in the accompanying Memorandum of Law, Defendant Lane Bryant, Inc. respectfully requests that this Court dismiss Plaintiff's Petition with prejudice in its entirety.

CC 1394912v1

Respectfully yours,

LATHROP & GAGE L.C.

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Attorneys for Defendant Lane Bryant, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing served via the Court's Electronic Mailing System on the following counsel of record this 10th day of March, 2005.

Stephen Alan Jenkins
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/s/ Michael A. Williams

An Attorney For Defendant

